

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X
Stevewn Frisone and David Roberts, :

: 03 CIVIL 8977 (WCC)

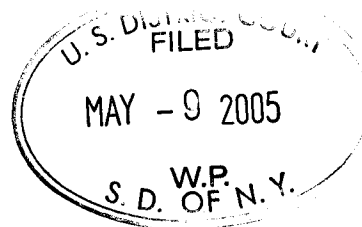
Plaintiffs, : JUDGMENT

-against- :

Pepsico, Inc. And South Beach
Beverage Company, Inc., :

Defendants. :

- - - - -X



Whereas the above entitled action having been assigned to the
Honorable William C. Conner, U.S.D.J., and the Court thereafter
on May 6, 2005, having handed down its opinion and order #05,0014
WP granting defendants' motion to dismiss the complaint for lack
of subject matter jurisdiction, it is,

ORDERED, ADJUDGED AND DECREED: That the complaint be and
it is hereby dismissed for lack of subject matter jurisdiction.

Dated: White Plains, New York

J. Michael McMahon
Clerk

E.O.D.

2005

SDNY May 9, 2005
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